

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

**WISCONSIN MASONS HEALTH CARE FUND,
WISCONSIN MASONS APPRENTICESHIP &
TRAINING FUND, WISCONSIN MASONS 401(K)
PLAN, WISCONSIN MASONS LMCT FUND,
WISCONSIN MASONS IAP/CLMC FUND,
WISCONSIN MASONS IPF FUND, BRICKLAYERS
AND TROWEL TRADES INTERNATIONAL
PENSION FUND, INTERNATIONAL MASONRY
INSTITUTE and JEFFREY LECKWEE (in his
capacity as Trustee),**

**BRICKLAYERS AND ALLIED CRAFTWORKERS
DISTRICT COUNCIL OF WISCONSIN,**

Plaintiffs,

v.

Case No. 12-cv-438

EVEREST TILE INC. and SCOTT A. KONKOL,

Defendants.

**ORDER AND ENTRY OF JUDGMENT
AS TO DEFENDANT EVEREST TILE INC.**

Request and motion for default judgment brought by the Plaintiffs in the above-captioned action were submitted to the Court and filed with the clerk. This action having come on hearing before the Court, the issues having been duly heard, and a decision having been duly rendered, the Court orders as follows:

1. Defendant Everest Tile Inc. has failed to plead or otherwise defend as provided by Rule 55(a) of the Fed. R. Civ. P.
2. Defendant Everest Tile Inc. violated the Labor-Management Relations Act of 1947, as amended, as well as the Employee Retirement Income Security Act of 1974,

as amended, and the effective collective bargaining agreements by failing to pay fringe benefit contributions on behalf of its employees to the Plaintiff Funds.

3. As a result of Defendant's failure, Plaintiffs are entitled to damages consisting of unpaid contributions, interest, liquidated damages, attorney fees and costs.

4. The court assesses the total damages to the Plaintiffs in the sum of \$109,451.34.

IT IS HEREBY ORDERED AND ADJUDGED that the Plaintiffs, Wisconsin Masons, Health Care Fund, Wisconsin Masons Apprenticeship & Training Fund, Wisconsin Masons 401(k) Plan, Wisconsin Masons LMCT Fund, Wisconsin Masons IAP/CLMC Fund, Wisconsin Masons IPF Fund, Bricklayers and Trowel Trades International Pension Fund, International Masonry Institute, Jeffrey Leckwee, and Bricklayers and Allied Craftworkers District Council of Wisconsin, recover from the Defendant Everest Tile Inc. and that the Clerk of Court is directed to enter judgment in favor of Plaintiffs and against Defendant Everest Tile Inc. in the amount of \$109,451.34 together with interest at the rate allowed by law.

Dated at Madison, Wisconsin, this 14th day of November, 2012.


Clerk of Court

Deputy Clerk

Dated and approved as to form this 14th day of November, 2012.

BY THE COURT:


U. S. District Court Judge